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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,829	05/16/2002	Vincent B. Ho	GEMS8081.119	6258

27061 7590 10/19/2004

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)  
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EXAMINER

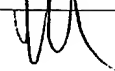
ROBINSON, DANIEL LEON

ART UNIT PAPER NUMBER

3742

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/063,829	Applicant(s) HO ET AL. 	
	Examiner Daniel I. Robinson	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 30, 32 and 33 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 9-17, 19-28 and 31 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8, 28, 29 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/02, 7/02, 9/03</u> | 6) <input type="checkbox"/> Other: _____  |

*Response to Amendment*

As per the applicant's request this will be a second non-final rejection.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7-10, 12, 14-16, 18, 19, 21, 23, 24 and 26, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Wang et al.(U.S.Pat.6,535,821).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 11, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Dumoulin et al.(U.S.Pat.6,584,337). Wang discloses a system and method of bolus-chasing angiography with adaptive real-time computed tomography that shows many of the features of the claimed invention but does not explicitly show continuously scanned while the table is in motion of a FIESTA pulse sequence.

Dumoulin discloses a method and system for extended imaging using MRI that shows

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continuously changing the position and the frequency or the phase of the receivers or transmitters and also shows a FIESTA pulse sequence. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to vary the frequency or phase as taught by Dumoulin so as to match the resulting frequency or phase change as a result of motion. The FIESTA sequence can be used since only the phase or frequency is modified.

Claims 13, 17, 20, 22, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Lang et al.(U.S.Pat.5,671,741). Wang does not explicitly show tissue characterization or fat suppression. Lang discloses a magnetic resonance imaging technique for tissue characterization that shows fat suppression. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use fat suppression to offset the effects of chemical shift and tissue characterization to determine if tissue is viable or necrotic.

*Allowable Subject Matter*

Claims 5, 6, 8, 29 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 30, 32 and 33 are allowed.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Foo, Machida, Townsend, Nose, Ho, Meany, and Darrow are cited to show structure similar to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Robinson whose telephone number is 703 306-9043. The examiner can normally be reached on M-F 5:30am-2:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dlr



DANIEL ROBINSON  
PATENT EXAMINER